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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------------|
| 09/666,140 | 09/20/2000 | Joseph G. Barrett | 06975-131001 | 5787 |
| 26171 7590 05/02/2007 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022 | | | EXAMINER NGUYEN, VAN KIM T | |
| | | | ART UNIT 2151 | PAPER NUMBER |
| | | | MAIL DATE 05/02/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 09/666,140 | Applicant(s) BARRETT ET AL. | |
| | Examiner Van Kim T. Nguyen | Art Unit 2151 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>13 February 2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to communications filed on April 11, 2007.

Claims 1-37 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on April 11, 2007 has been entered.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on April 11, 2007 has been received and considered by the examiner.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichstaedt et al. (U.S. Patent No. 6,662,230), hereinafter Eichstaedt, in view of Short et al. (US 6,636,894), hereinafter Short.

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Regarding claims 1, 2, 5, 8-9, 13-16, 18-19, 23-26, 28-29, and 34-35, as shown in Figures 1-6, Eichstaedt discloses:

monitoring a computer system for connection transactions between multiple requestors (12, 14, 16) and an access provider (21) using a switching component (22, 11) connected to the access provider (col. 5: lines 32-39; and col. 11: lines 62-67);

denying access by an attacking access requestor (16) to the access provider (21) when a number of connection transactions initiated by the attacking access requestor (e.g., request values) through the switching component (11) exceeds a configurable threshold number (e.g., maximum request values) during a first configurable period of time (col. 6: lines 43-61; and col. 12: lines 3-20).

Eichstaedt also discloses the monitoring includes detecting connection transactions between multiple Internet protocol addresses and the access provider with the switching components (Eichstaedt; col. 5: lines 32-39; and col. 7: lines 23-49).

Eichstaedt does not explicitly call for a plurality of access providers.

As shown in Figure 1, Short teaches a system and method for providing multiple users (14) access to a plurality of networks (22 and 20), see col. 6: line 9 – col. 7: line 24.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Short's method of providing multiple users access to a plurality of network providers in Eichstaedt's system, motivated by the need of providing users access to the Internet, i.e., a worldwide, publicly accessible network of interconnected computer networks that transmit data, consisting of millions of smaller domestic, academic, business, and government networks.

Regarding claims 3-4 and 6-7, Eichstaedt-Short also discloses the monitoring further includes counting and comparing the number of connection transactions initiated by the access requestors (e.g., request values) through the switching component (22, 11) during the first configurable period of time (t_1) to the configurable threshold (e.g., a comparison between the calculated request values and a predefined maximum value is made; Eichstaedt; col. 7: lines 5-10 and lines 21-49).

Regarding claims 17 and 27, the aforementioned claims contain similar limitations to those limitations of claims 1 and 3-4, therefore is rejected under the same basis.

Regarding claims 10-12, 20-22, and 30-33, Eichstaedt-Short discloses that the denying of access includes denying access to the access providers through the switching component (22, 11) by the attacking access requestor (16) for a second configurable period of time (t_i) after detecting a most recent connection transaction initiated by the attacking requestor through the switching component (Eichstaedt; col. 4: lines 12-17; and col. 7: lines 31-49).

Regarding claims 36, Eichstaedt-Short also discloses a host computer system (21) receives communication from the switching component (22, 11), see Eichstaedt, Figure 1.

Regarding claims 37, Eichstaedt-Short also discloses the switching system (22, 11) is included in a host system (21), see Eichstaedt, Figure 1.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen
Examiner
Art Unit 2151

vkn



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER